

IN RE: PETITION FOR ZONING VARIANCE
BEFORE THE
SE Intersection of Hillendale and Dayton Roads
8027 Hillendale Road
7th Election District
4th Councilmanic District
Francis X. Wallace, Sr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1B02.3.C.1 to allow a rear yard setback of 3 feet 8 inches in lieu of the required 30 feet and a side yard setback of 4 feet in lieu of the required 10 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, Mr. and Mrs. Francis X. Wallace, Sr. appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 8027 Hillendale Road, consisting of .41 acres +/-, zoned D.R. S.5.5, is improved with an existing family dwelling and attached storage shed.

Testimony indicated that the Petitioners propose a one story addition on the east and west sides of their home. The Petitioners stated that the proposed improvements for the easterly side of the dwelling will serve to enlarge an existing bedroom, while improvements proposed for the southerly side will enlarge an existing storage shed.

Mrs. Wallace testified that her daughter is a quadriplegic who experiences great difficulty negotiating stairs. The Petitioners stated that they intend to use the proposed addition on the easterly side as a bedroom for their daughter to provide her ease of access to the kitchen, living room and bathroom facilities.

The Petitioners indicated that the aforementioned storage area will continue to be used as such. They stated that the easterly addition will have an exterior door on its northern side to provide their daughter outside access without the need for negotiating excessive steps.

The Petitioners testified that they have spoken to their adjoining neighbors who voiced no objections regarding the proposed improvements.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the proper and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of July, 1989 that the requested variance from Section 1B02.3.C.1 to allow a rear yard setback of 3 feet 8 inches in lieu of the required 30 feet and a side yard setback of 4 feet in lieu of the required 10 feet, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this

Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

July 26, 1989



Dennis F. Rasmussen
County Executive

Mr. and Mrs. Francis X. Wallace, Sr.
8027 Hillendale Road
Baltimore, Maryland 21234

RE: Petition for Zoning Variance
Case No. 89-539-A

Dear Mr. and Mrs. Wallace:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and hereby petition for a Variance from Section 1B02.3.C.1 to allow a rear yard setback of 3 feet 8 inches in lieu of the required 30 feet and a side yard setback of 4 feet in lieu of the required 10 feet.

following reasons: (indicate hardship or practical difficulty)

(SEE ATTACHED)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) _____
Signature _____
Address _____
City and State _____

Legal Owner(s): (Type or Print Name) _____
Signature _____
Address _____
City and State _____

Attorney for Petitioner: (Type or Print Name) _____
Signature _____
Address _____
City and State _____

Attorney's Telephone No.: _____
Address _____
City and State _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1989, at _____ o'clock _____.

J. Robert Haines
Zoning Commissioner of Baltimore County

My daughter became a Quad due to an accident. Our home has only one bedroom here! My family consist of five members, there's no basement for storage. Bedrooms are desperately need. My husband & I have no privacy or bedroom. My sons are separated due to lack of room. Front area cannot be added onto due to the window door & structure which would be very costly to re arrange. The side & rear addition is the most economical!

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Ordinance of Baltimore County, will hold a public hearing on the proposed Variance from Section 1B02.3.C.1 to allow a rear yard setback of 3 feet 8 inches in lieu of the required 30 feet and a side yard setback of 4 feet in lieu of the required 10 feet, as more particularly described on Petitioner's Exhibit 1, at the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on July 7, 1989 at 2:30 a.m.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 8, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 8, 1989.

TOWSON TIMES.

S. Zeke Olson
Publisher

ZONING DESCRIPTION
BEGINNING AT A POINT ON THE SE CORNER OF THE INTERSECTION OF DAYTONA AND HILLENDALE RDS. BEING LOTS 752 THRU 755 AS RECORDED IN PLAT BOOK WITH #9 ALSO KNOWN AS # 8027 HILLENDALE RD. IN THE 7TH ED.

OWNERS WILL TAKE FULL RESPONSIBILITY
SAID PLAT PREPARED BY BALTO. CO.
OWNER: Francis X. Wallace, Sr. et ux
DATE: 4/14/89

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Ordinance of Baltimore County, will hold a public hearing on the proposed Variance from Section 1B02.3.C.1 to allow a rear yard setback of 3 feet 8 inches in lieu of the required 30 feet and a side yard setback of 4 feet in lieu of the required 10 feet, as more particularly described on Petitioner's Exhibit 1, at the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on July 7, 1989 at 2:30 a.m.

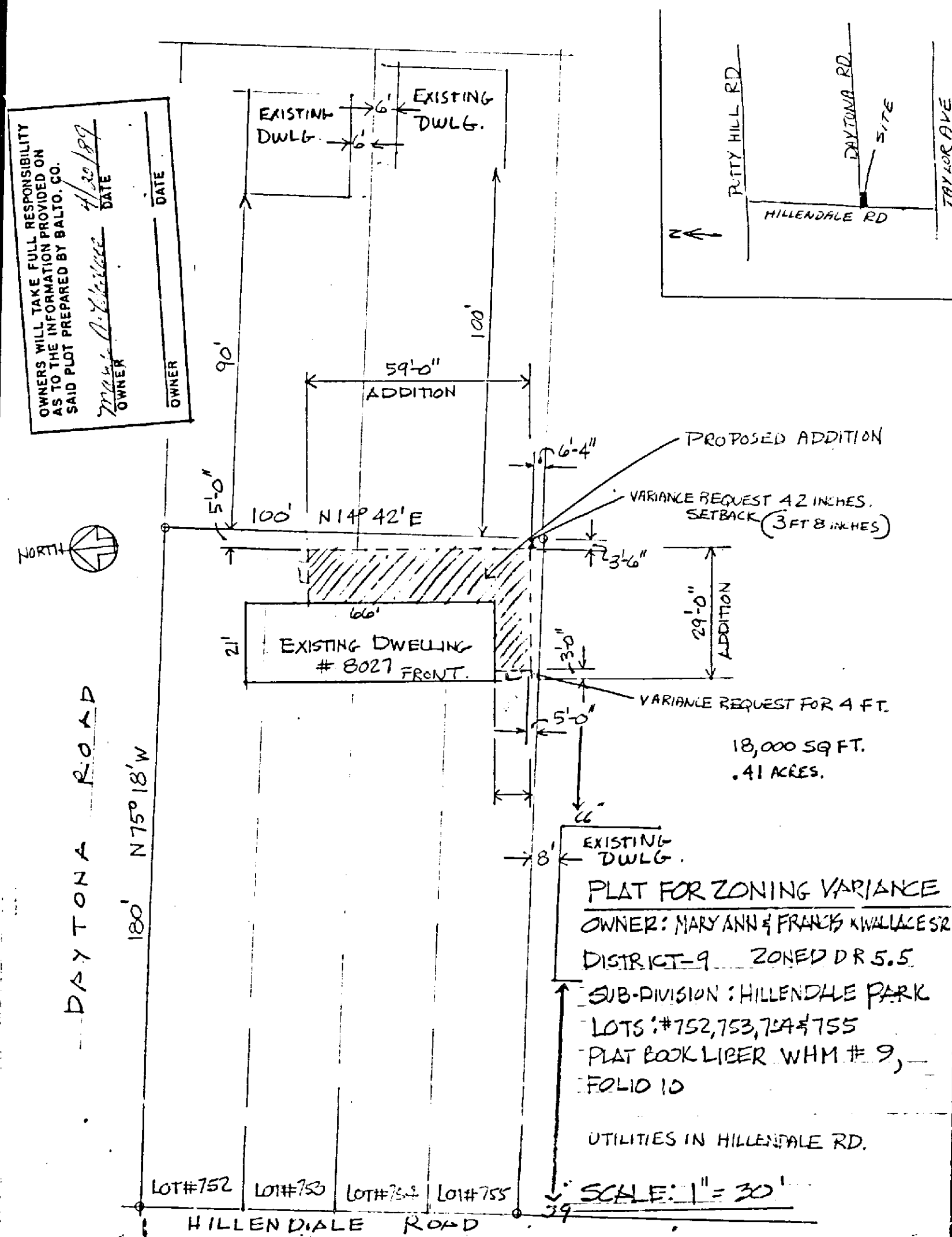
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 8, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 8, 1989.

THE JEFFERSONIAN.

S. Zeke Olson
Publisher

PETITIONER'S EXHIBIT 1



8027 Hillendale Rd.
Baltimore, Md. 21204
April 21, 1989

ZONING OFFICE

Mr. & Mrs. Francis X. Wallace, Sr.
8027 Hillendale Road
Baltimore, Maryland 21204

Re: Request for expedited hearing
on variance for rear yard setback.

Dear Mr. & Mrs. Wallace: I am writing to you regarding your request for an expedited hearing on variance for rear yard setback. I am sorry that I cannot give you a more definitive answer at this time, but I am sure that you will understand my position. I am sure that you will understand my position. I am sure that you will understand my position.

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

Date: 6/17/89



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Francis X. Wallace, Sr.
8027 Hillendale Road
Baltimore, Maryland 21204

Re: Petition for Zoning Variance
CASE NUMBER: 89-539-A
8027 Hillendale Road
Hearings Friday, July 7, 1989 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 70.29 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing, to wit: remove the sign and post set(s) from the time it is posted by this office until the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning office, County Office Building, Room 111, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 003100
DATE 7/7/89 ACCOUNT R01-BIS-000
AMOUNT \$ 80.29
RECEIVED FROM Francis X. Wallace
FOR 89-539-A
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

May 26, 1989



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-539-A
SE Intersection of Hillendale and Dayton Roads
8027 Hillendale Road
9th Election District - 4th Councilmanic
Petitioner(s): Francis X. Wallace, Sr., et ux
HEARING SCHEDULED: FRIDAY, JULY 7, 1989 at 9:30 a.m.

Variance to allow a rear yard setback of 3 ft. 8 inches in lieu of the required 30 ft. and a side yard setback of 4 ft. in lieu of the required 10 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Wallace
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

Date: May 10, 1989



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Francis X. Wallace, Sr.
8027 Hillendale Road
Baltimore, Maryland 21204

Re: Request for expedited hearing

Dear Mr. & Mrs. Wallace:

This office is in receipt of your request for an early hearing with reference to the above captioned matter.

Please be advised that Zoning Regulations require that all cases must be placed on the hearing docket no later than 90 days after the date of filing. Further, the number of petitions filed this year has increased by 134 from the previous year.

We have no choice but to comply with regulations and must inform you, that although consideration of your request is merited, we can only aim to schedule your hearing on the first available date after we have met regulation requirements.

Bearing the above in mind, this office will endeavor to give you the earliest possible date.

Very truly yours,

J. Robert Haines
Zoning Commissioner
Docket Clerk
887-3391

GUS:af

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 16, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-539-A
Item No. 457

Re: Francis X. Wallace, et ux

The Petitioners request a variance to allow a rear yard setback of 3' 8" in lieu of the required 30 feet and a side yard setback of 4 feet in lieu of the required 10 feet. In reference to this request, staff offers the following comments:

With this lot configuration, it appears as if the addition is excessive and inappropriately located. Alternative site designs based upon building elevations and building floor plans would need to be analyzed, before this office would recommend that the petitioner's alternative be approved.

A:7789.TXT Pg. 2

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reincke
Chief



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: Francis X. Wallace, Jr., et ux

Location: SE Intersection of Hillendale and Daytona Roads

Item No.: 457 Zoning Agenda: May 2, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Att. J. Kelly 5-181* Noted and
Planning Group Approved *Capt. Tom Brady*
Special Inspection Division Fire Prevention Bureau

RECEIVED
MAY 1 1989

ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 20, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Mr. & Mrs. Francis X. Wallace, Jr.
8027 Hillon Dale Road
Baltimore, MD 21234

RE: Item No. 457, Case No. 89-539-A
Petitioner: Francis X. Wallace, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Wallace:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development of plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing comment file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIANSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:lw

Enclosures

89-539-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
2nd day of May, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Francis X. Wallace, et ux Received by: James E. Dyer
Petitioner's Attorney: _____ Chairman, Zoning Plans Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

June 6, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 449, 450, 451, 452, 453, 455, 456, 457, 458, and 459.

Very truly yours,

James E. Dyer

RWB:6

Encl.